

NORTH CAROLINA AND ROADS CANNOT AGREE

Atlantic Coast Line Thwarts Com-
promise Attempted by Governor
and Southern Railway.

WANTED TO GIVE NEW LAW TRIAL

If At the End of Six Months It Had
Proved to be Unjust It Was to be
Annulled by the Legislature—Govern-
or Glenn's Statement on Failure to
Reach Agreement.

RALEIGH, N. C., Dec. 11.—All
plans to compromise the railroad rate
litigation are seemingly at an end for
the present owing to the refusal of
the Atlantic Coast Line and some
smaller lines to agree to terms ac-
ceptable to the State and the Southern
Railway. This is the gist of the state-
ment issued by Governor Glenn today
after a visit to him by President Fin-
ley of the Southern Railway.

Governor Glenn in this statement
reviewed the various steps in the
controversy, stating that he had pro-
posed to the railroad that they use
the state rate, stop all suits and see
in six or eight months if the rate
was confiscatory, and if so the legis-
lature would be convened and asked
to make a change.

The Southern Railway refused and
made a proposition of a 2.5 cent
rate, 2.5-1 cent mileage book
rate, which he declined. Then he
proposed to call the legislature to-
gether and recommend a flat rate of
2-1-2 cents, interstate and intrastate,
mileage books of five hundred miles,
intrastate on a thousand miles inter-
and intrastate interchange, two
thousand miles, inter and intrastate all
for firms and families not exceeding
five, all at two cents. The Southern
agreed to all except the five hundred
miles for families, putting this at
2-1-4 cents, and he accepted this. The
Seaboard Air Line also agreed, but
the Atlantic Coast Line and some
of the smaller roads refused.

The Governor says that unless all
the roads accepted it would be useless
to call the legislature together and
it will not be called unless he de-
cides to ask it to accept the terms
of the Southern and to pass such laws
for the others as seems best. At
present the position of the State is
that it will continue to prosecute its
case in the United States Supreme
Court.

HOKE SMITH ON SOUTHERN POLITICAL SITUATION

Expresses Opinion That Time is
Coming When Southern Democrats
Will Do Their Own Thinking.

(By Associated Press.)
NEW YORK, DEC. 11.—Hoke
Smith, Governor of Georgia, who was
here today to attend a meeting of the
trustees of the Peabody Educational
Fund, said in an interview: "National
politics is chaotic. The more I look
at it the more chaotic the situation
appears. I do not know how things
will develop. I do know that there
is a sentiment among Southern Demo-
crats for concerted action. The South
doesn't mean to be treated any longer
as it were in a state of secession.
Southern Democrats are just as
loud as any others."

"There is no one in the South now
who wants the Democratic political
nomination, but if the South had a
candidate of its own, I think the
Southern Democrats would not hesi-
tate to support him in the convention.
The feeling is general among
Southern Democrats that the time has
come when they must do their own
thinking in national affairs and not
merely accept what others have
thought for them."

"The feeling is that the time has
come for Southern Democrats to get
together and take part in the leader-
ship of the party."

Governor Smith will attend the
meeting of the Democratic National
Committee at Washington tomorrow.

TOBACCO TRUST RESORTS TO NO UNFAIR METHODS

Such is the Testimony Offered by
Calish Dula in the Hearing
Against the Concern.

(By Associated Press.)
NEW YORK, Dec. 11.—Calish Dula,
vice president of the American Tobac-
co Company today testified in the
hearing in the case of the govern-
ment against the so-called tobacco
trust, that the American Tobacco
Co. never resorted to unfair or il-
legal methods to press its goods
against those of a competitor. He
declared that the American Company

ever attempted to slander or boycott
the goods of independent concerns
and declared that they preferred to
meet competition fairly and by legi-
timate methods.

He said further that his company
has no agreement with jobbers or
anyone concerning the marketing of
its goods. In the course of his testi-
mony today Mr. Dula said his com-
pany voluntarily abandoned the use
of the union label on its goods after
giving due notice of its intention to
do so. He said the abandonment of
the label had not affected the com-
pany's business.

Harry Orchard Again On Stand.
BOISE, IDAHO, Dec. 11.—In the
trial of George A. Pettibone, Harry
Orchard will take the witness stand
to again narrate his story of whole-
sale murder. James H. Hawley
made the opening statement for the
prosecution and witnesses testified
to facts concerning the killing of ex-
Governor Steunenberg. Hawley told
the jury that the State would prove
that Pettibone was the central figure
in the conspiracy.

TOWN OF MANY ORPHANS

Disaster in Monongah Took Parents
Away from 1,000 Children.

OVER 300 WIDOWS IN THE PLACE

Fifty Funerals Were Held Yesterday—
Work of Burning Out Dead Bodies
Is Being More Rapidly Prosecuted
Now—Dead Will Number 500.

(By Associated Press.)
MONONGAH, W. VA., Dec. 11.—
Steadily and almost unintermittently,
mines number 6 and 8 of the Fair-
mount Coal Company, are giving up
the victims of last Friday's explosion.
When tonight's force of rescuers went
on duty there had been a total of 225
bodies taken out, most of which have
been buried. Others were brought out
in groups of two and three at short
intervals.

A number of bodies brought out
today did not bear the brass checks
used in the company's system of re-
cords and accounts of a majority of its
employees, thus substantiating the
statements of Monday that a large
number of men and boys in the mines
were not included in the checking
rolls upon which estimates of the dead
were largely based. This has also al-
most dispelled the hope expressed by
mining officials the past few days
that the number of dead had been
overestimated. There is reason to
believe tonight that the number will
not fall short of 500.

A canvass of miners' homes will be
completed tomorrow and this together
with a list of hundreds of letters un-
claimed will furnish data for a new
and probably more accurate estimate.

Conditions outside the mine tonight
are much improved through the free-
zing solid of the mud, making the
work much easier. An opening be-
tween the two mines was completed
tonight and it is believed that with-
in forty-eight hours all the bodies
found will have been taken to the
mortuary.

Over fifty funerals were held today.
On each casket there was a bunch of
American roses or white carnations.
The source of the flowers remained
secret until late in the day when it
was learned that Miss Elizabeth
daughter of L. Watson, treasurer of
the coal company, had ordered them.

The relief work is progressing in a
satisfactory manner. Half a dozen re-
lief stations are now in operation and
supplies of all kinds are coming in
rapidly and being quickly distributed.
The cash contributions up to this time
total \$10,000. In reply to an expres-
sion of sympathy and an offer of as-
sistance from the Cleveland Chamber
of Commerce, Mayor Arnett wired that
the relief committee figured on 300
widows and 1,000 orphans as a result
of the disaster, and there was no ques-
tion that destination among them
would be very great.

Vardaman Saves Negro From Mob.
JACKSON, MISS., Dec. 11.—Gov-
ernor Vardaman has ordered a com-
pany of State troops to accompany
the sheriff with Jim Lamm, a negro
murderer, who is to be tried before
Judge Hurt at Vicksburg tomorrow,
to that place. The Governor's ac-
tion was taken to guard against vio-
lence on the part of indignant whites,
which, it was feared, might break
out against the negro.

Fire Destroys 2,000 Bales of Cotton.
(By Associated Press.)
TAYLOR, TEXAS, Dec. 11.—The
Farmers' Union warehouse, together
with about 2,000 bales of cotton, was
destroyed by fire today. Damage
\$125,000, covered by insurance.

ROOSEVELT WILL NOT ACCEPT RENOMINATION

President Issues Statement Which
Sets At Rest All Doubt About
the Matter.

TO STICK BY FIRST DECLARATION

Under No Circumstances Will He
Allow His Name to Go Before Con-
vention—Now It is an Open Field for
the Avowed and Receptive Candi-
dates.

(By Associated Press.)
WASHINGTON, DEC. 11.—Presi-
dent Roosevelt will not be a candi-
date for a third term. All doubt on
this point was tonight dispelled by the
authoritative statement from the
White House that Mr. Roosevelt still
adhered to the declaration made on
the night of the election three
years ago. In the statement issued
tonight President Roosevelt says he
has not changed and shall not change
the decision communicated to the
American people in 1904. It appears
that the President had been awaiting
the call for the Republican National
Convention to afford the proper oppor-
tunity for making his position clear
and unmistakable, and thus leaving
the field clear for Hughes, Fairbanks,
Taft, Cannon, Knox, Foraker, Corle-
yon and other avowed or receptive
candidates for the Republican nomi-
nation. The President's statement
follows:

"On the night after election I made
the following announcement: 'I am
deeply sensible of the honor done me
by the American people in thus ex-
pressing their confidence in what I
have tried to do. I appreciate to the
full the firm responsibility this con-
fidence imposes upon me and I shall
do all within my power not to forfeit it.
On the fourth of March next I shall
have served seven and a half years
and three and a half years constitute
my first term. The wise custom
which limits the President to two
terms regards the substance and not
the form, and under no circumstances
will I be a candidate for or accept
another nomination.'

"I have not changed and shall not
change the decision thus announced.
Eliminates Roosevelt From Situation.
The announcement that the Presi-
dent would not accept the Republi-
can nomination if tendered, came
at too late an hour to become gener-
ally known in political circles, but
among those who learned of it, Demo-
crats and Republicans alike, the feel-
ing was general that it left no doubt
in the presidential situation, so far
as relates to the third term talk, and
that it definitely eliminates Mr. Roo-
sevelt from the contest. Some Demo-
crats, however, express a belief that
a Roosevelt stampede in the Republi-
can convention would shake his
resolution, and that he would prove
no exception to the precedent that
no American citizen ever refused a
presidential nomination.

Administration Republicans declare
that the announcement gives a great
impetus to the Taft boom, while the
Democrats, many of the leaders of
which party are here, are shouting
that it means "Bryan in a walk."

Some of the Views Expressed.
Speaker Cannon, when shown the
President's statement said:

"The President speaks for him-
self. It would be useless and inap-
propriate for me to attempt to in-
terpret the President's words."

Senator Foraker, the only other
declared candidate who could be
seen tonight, said:

"That has been his position all the
while, but I cannot discuss the mat-
ter, thank you."

Senator Hopkins of Illinois, said:
"It shows him to be a patriot, as
well as a statesman, following as he
does the traditions of Washington and
Jefferson, in limiting himself to two
terms."

Senator La Follette said: "While
such an announcement could be ex-
pected, it was not expected to come
so soon. I have no other comment
to make at this time."

Senator Richardson of Delaware,
said: "I fancy the announcement will
be pleasant news to several persons.
I need not name them; they are too
numerous."

Senator Hansborough of North Da-
kota, said: "There is no question at
all about the President's sincerity
at this time and before. If conditions
should demand his nomination the
convention would nominate him, and
I do not see how it would be possible
for him to decline, however earnest

he might be."
Senator Long of Kansas, said: "The
Taft boom will be the only one wor-
thy of consideration after this an-
nouncement."

Senator Dick of Ohio, said: "Noth-
ing else to be expected."

Tillman Says Bryan is the Man.
Among the Democrats who com-
mented on the President's statement
was Senator Tillman, who said:

"This is by way of documentary
evidence that the President has seen
the handwriting on the wall, it means
that Bryan will be the next President
of the United States. Roosevelt is
the only possible Republican candi-
date who could be considered for-
midable."

Mr. John Sharp Williams, leader of
the minority in the House said: "I
believe I am one of the few Demo-
crats in public life in the country
who has been saying all along that
the President would not run for a
third term. I believed he had too
much knowledge of history to run
the risk of bringing Republican in-
stitutions with perpetuity of ten-
ure in the presidency. I also thought
he was a man of so much pride that
even if he had come to regret his
after election utterances, he would
still stand to his word. I think the
third term issue would have made
Mr. Roosevelt the weakest man the
Republican party could have nomi-
nated, notwithstanding the fact that he
is personally the most popular Republi-
can in the country today."

Representative Hardwick of Geor-
gia, said: "I think it means a tri-
umph for the reactionary element in
the Republican party and a good
chance for the Democrats to win."

Means Change of Policy.
Representative Bartlett of Georgia,
said: "It means a different candidate
and a different platform. I think
Republicans will nominate a man on
an entirely different platform and
put into the platform those things
which would not have been put in
had Roosevelt stood for the nomina-
tion."

Representative Richardson of Ala-
bama, said: "It is in accordance with
what I always have said of him. I
did not believe he would accept the
nomination for a third term."

Representative Clayton of Alabama,
said: "I am inclined to the opinion
that the sentiment in Congress is hos-
tile to a third term, which was de-
veloped through the introduction by
me of the old Springer resolution ex-
pressing the sentiment of Congress
against a third term, has influenced
this announcement, which the Presi-
dent has hesitated for some time to
make."

Former Democratic candidate for
vice president, Henry G. Davis of
West Virginia, said: "The country
has been talking that way. The country
looks at the question differently now
from what it did a few months ago
and the announcement is undoubtedly
influenced by the attitude of the
country at this time."

Chairman Taggart of the National
Democratic Committee, said: "I think
the public made a mistake in com-
pelling Roosevelt to speak twice be-
fore he could make himself believed.
It shows that he is the kind of a
man I thought he was. I think most
persons too him at his word the first
time."

Mr. Bryan's Views.
LINCOLN, NEB., Dec. 11.—When
told tonight that President Roosevelt
had made a positive declaration that
he would not be a candidate for re-
election, W. J. Bryan expressed no
surprise. He declared that the Presi-
dent's position was as he had thought
it to be. Mr. Bryan said:

"I have assumed from the begin-
ning that President Roosevelt would
not be a candidate. The statement
that he issued the night of the last
national election left no room for
misunderstanding, and I have felt that
his friends were doing him an injustice
in suggesting that he would change
his position on the subject."

KAISER SEES SPECIALISTS.
Serious Remanifestation of Trouble
With Ear is Rumored.

PARIS, DEC. 11.—The London cor-
respondent of the Mail says that the
two days' visit of the Kaiser to Lon-
don after his stay at Highcliffe Castle
is due to his desire to consult special-
ists as to his throat, the trouble in
which persists. It is said that there
has been a serious remanifestation of
his trouble.

A correspondent further says that
after King Alfonso met the Kaiser,
two weeks ago, he did not seek to
hide from his suite how the Kaiser's
physical appearance had changed.

Good Finish At New Orleans.
(By Associated Press.)

NEW ORLEANS, LA., Dec. 11.—
In the best finish of the day at the
Fair Grounds, Araupier won the
fifth race by a nose from the favorite,
Sally Preston. Weather clear, track
heavy.

JEFF DAVIS LETS OFF STEAM IN THE SENATE

Arkansas' New Senator Makes
His Maiden Speech and It Was
Full of Tabasco

UNMERCIFULLY ROASTED ROOSEVELT

Would Put Rockefeller in the Peni-
tentiary and Prison Stripes on Trust
Magnates—Has President "Skinned
A Block" So Far As Having Chil-
dren Is Concerned.

(By Associated Press.)
WASHINGTON, D. C., Dec. 11.—
Senator Jeff Davis, of Arkansas, de-
livered a red-hot speech in the Sen-
ate this afternoon. It was his maiden
effort in that body, and was the
first act speech by any Senator in
the Sixtieth Congress. Moreover, it
was made just nine days after he
had taken his seat as a member. It
was in advocacy of the destruction
of trusts, and the placing of felon's
stripes upon rich malefactors.

He declared that a prison sentence
staring John D. Rockefeller in the
face would make him a law abiding
citizen. He stigmatized Wall street
speculators as gamblers and thieves,
and charged them with precipitating
the recent money panic.

He criticized the annual salary of
President Roosevelt, which he put at
\$113,000. He said he did not need
that sum to live on. "And I've got
the President skinned a city block
in the matter of family," he ex-
claimed. "I have eight children; he
has only five."

Not A Trust Busted.
He ridiculed the administration's
anti-trust policy, and challenged any
Republican Senator to name a trust
which Roosevelt had "ever tamed."
In his seven years of "octopus hunt-
ing," in contemptuous tones, Davis
declared that "unless conditions
change, it will not be long before
American statesmen are wearing
knee breeches, with brass buckles
and powdered wigs and bowing down
to semi-royalty."

His speech was upon a bill which
he introduced shortly after the open-
ing of Congress, making any at-
tempt to regulate and control prices
a conspiracy, punishable by a heavy
fine and long imprisonment. It fur-
ther provides for the revocation of
the company's charter, and permits
recovery of the purchase price.

"Are we in earnest when we go
before the American people," he as-
ked, "and tell them that trusts are
bad things; that trusts ought to be
destroyed; that the trusts ought to be
wiped from the face of the earth,
then answer the people, why this
bill should not become a law. Does
it interfere with the vested rights?"

Cut Them Out.
"No remedy which means only their
destruction can be too drastic. Any-
thing short of destruction; any tem-
perizing, any palliation of this wrong
will not satisfy an outraged public,
and will not bring the relief desired.
The trust evil is a cancer sore upon
the body politic, just as upon the hu-
man body. The only remedy is a
surgeon's knife. Cut it out by the
roots, and destroy the virus."

"It is the bounden duty of Congress
to act. If we don't destroy the
trusts, then I tremble for the public.
I tremble for the government itself.
The creature is growing greater and
more powerful than its creator. It
permitted for only a few years to
run without hindrance instead of
the government prescribing the terms
upon the trusts to do business, the
trusts will be prescribing the terms
upon which the government may do
business."

Not Even A Tame One.
"Nearly seven years of Mr. Roo-
sevelt's strenuous term has passed
with machinery of the government at
his back. Yet I ask, will some Re-
publican Senator upon the floor tell
me one trust he has ever tamed,
much less destroyed. It has been
said that corporations should be
treated justly and fairly. That is
too often the shield behind which
cowardly public servants evade their
duty."

"You need not lose any sleep about
the corporations not getting their
rights. Our collective should be for
the man who bears the burdens of
the government."

"Treat a trust robber like an ordi-
nary felon. Make the strong arm of
Congress."

the law the same against him as
against a horse thief. Place the
felon's stripes—the dogology of a mis-
erant life—upon him, and see the
trusts busted and the people get re-
lief.

Pen For Rockefeller.

"What do the trusts care for the
slow and dilatory processes of the
courts? What did John Rockefeller
care when he went on the witness
stand in Chicago, when his concern
was fined \$29,000,000, which may
never be paid? If you let a peniten-
tiary sentence stare Rockefeller in
the face, if he no longer continues
in his unlawful undertaking, he will
wake up to the true situation. A pen-
itentiary sentence is the most awak-
ening thing on earth. Put one trust
magnate in the penitentiary as an
object lesson that the law is greater
than any man—that it is above and
beyond them all—that it protects the
weak and punishes the strong alike.
To do this would be to furnish the
most wholesome example that could
be set in this republic today."

TEDDY IS FORESTALLING

Anticipating Criticism For
Sending Troops to Goldfield.

OFFICIALS GOING TO MINING TOWN

Commissioner of Labor and Corpor-
ations and Others Make a Hurried
Departure From Washington For
the Nevada Town.

(By Associated Press.)
WASHINGTON, D. C., Dec. 11.—
Assistant Secretary Murray of the
Department of Commerce and Labor;
Charles P. Neill, commissioner of
Labor; and Herbert Knox Smith, com-
missioner of Corporations, left Wash-
ington this afternoon for Goldfield,
Nev., to make a thorough investiga-
tion of the trouble between the min-
ers and mine operators at that place.
President Roosevelt is anxious to
ascertain the exact conditions exist-
ing at Goldfield. He has given to
the committee a letter of instructions
which is very broad in character and
will enable the members of it to
make such an investigation into af-
fairs at Goldfield as it may deter-
mine upon.

The members of the committee are
directed to proceed immediately to
Goldfield and to make an inquiry into
affairs as they exist there and to re-
port to him personally.

The letter also directs all civil and
military authorities to furnish the
committee with any information
bearing upon the situation that they
may possess.

The following instructions were
sent to the commanding officer of the
troops now at Goldfield today by or-
der of the President:

"The troops are not sent to take
the part of either side in a purely in-
dustrial dispute, as long as it is
kept within the bounds of law and
order. They are to be kept neither
for nor against the strikers or the
operators. They are to prevent riot,
violence and disorder, under and in
accordance with the constitution and
the laws of the land. No man is to
be interfered with as long as he con-
ducts himself in a peaceful and or-
derly manner."

The statement was made at the
War Department that there was no
intention of withdrawing the troops
from Goldfield, notwithstanding the
dispatch of the committee from here.

It is understood among the officials
of the War Department that the
President's purpose is to forestall
adverse criticism upon the dispatch of
the troops to Goldfield before there
is been any actual rioting and to
obtain the facts necessary as a
foundation for any action that the
army may be called upon to take at
that place.

In 1878, when party feeling ran
high, Congress enacted the famous
posse comitatus act, the purpose of
which was to prevent in the first
place, the use of United States troops
at the polls in the Southern States.
That act, under heavy penalty, pro-
hibits the employment of "any part
of the army of the United States as a
posse comitatus or otherwise for the
purpose of executing the laws, ex-
cept in such cases and other such
circumstances as such employment or
aid force may be expressly authoriz-
ed by the constitution or by act of
Congress."

LOUISVILLE MAY SET NATIONAL CONVENTION

Kentucky City at the Present
Time Has the Best Chance
to Secure It

CHICAGO OUT OF THE RUNNING

Windy City Cannot Raise the Necess-
ary Guarantee Fund—Denver Has Too
Plenty of Money, But It Is Too
Far Away From Center of Popula-
tion—Question Decided Today.

(By Associated Press.)
WASHINGTON, D. C., Dec. 11.—
The situation with reference to the
selection of a place for holding the
next Democratic convention is solv-
ing itself, and practically all
candidates for the honor have been
eliminated except Chicago, Louisville
and Denver. Chicago holds a favorite
place in the estimation of a great
many of the committeemen who are
now in Washington, but the frank
statement of Mr. Roger Sullivan who
represents Illinois on the National
Committee, that it would be difficult
to raise enough money to pay the ex-
penses of the convention had a damp-
ening effect. The Denver delegation
impressed upon everyone the fact of
the city's readiness to pay \$100,000 to
secure the convention.

Louisville also was represented by
a strong delegation, headed by sen-
ator McCrory and Representative
Shirley and at a late hour indications
were in favor of that city.

The delegates named no definite
sum, but said that they were prepared
to offer the best convention hall in
the country, and expected to pay all
the expenses of the convention if it
should go to their city. One objec-
tion to Louisville was on the score
of hotel accommodations, but the de-
legates protested that that city would
be able to entertain the convention
in good style.

The distance of Denver from the
center of population was the prin-
cipal objection to that city and this
probably will overbalance the induc-
ement which the big sum offered con-
stitutes. The outlook tonight is
therefore favorable to Louisville, if
the city gives sufficient assurance to
the national committee which meets
at the Arlington tomorrow noon, that
it can take care of the convention
and will pay all expenses.

It is almost definitely settled that
the convention will be held after the
Republican convention, beginning the
23rd or the 30th of June.

There is no talk of any candidate
except Mr. Bryan. Chairman Taggart,
accompanied by Committeemen
Tom L. Johnson or Ohio, Roger Sul-
livan of Illinois; Urey Woodson of
Kentucky, and other prominent mem-
bers of the committee arrived today.

DYNAMITE EXPLOSION NEAR BRISTOL KILLS FOUR

Fifteen Year Old Boy Plays With the
Explosive Stuff With Disas-
trous Effect.

(Special to the Daily Press.)
BRISTOL, VA., Dec. 11.—By an ac-
cidental explosion of dynamite in the
home of John Duff, ten miles from
this city, today, four persons lost
their lives and the house was wrecked.

The dead: Mrs. Nathaniel Barnes,
Mrs. Eliza Moody and the latter's
child, and William Duff.

William Duff, a 15 years old boy,
the son of John Duff, was playing
with the explosive when it became
ignited. The explosion followed, the
house being ruined. Fire followed the
explosion, burning the ruins and cremat-
ing the four bodies.

It is probable that the four vic-
tims were killed instantly.

No Change in Bicycle Race.
(By Associated Press.)

MADISON SQUARE GARDEN,
NEW YORK, Dec. 11.—Eleven o'clock
tonight the relative positions of the
riders in the six day bicycle race is
unchanged from those which they
held during the day. At the hour
named the Fogler-Moran and Rut-
stott teams were leading, having cov-
ered 1,080 miles, while five other
teams were pedaling along steadily
a lap behind.